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RCE/2877
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**REQUEST FOR
CONTINUED
EXAMINATION (RCE)
TRANSMITTAL**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/923,723
Filing Date	August 6, 2001
First Named Inventor	James M. Holden
Art Unit	2877
Examiner Name	Amanda H. Merlino
Attorney Docket No.	NAN043 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (9 pages)
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The director is hereby authorized to charge the following fees, or charge any underpayments or credit any overpayments, to Deposit Account No. 50-2263
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed) (\$385.00)

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385.00 OP

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael J. Halbert	Registration No. (Attorney/Agent)	40,633
Signature	<i>Michael J. Halbert</i>		Date June 16, 2004

Express Mail Label No.: EV 450 194 702 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: James M. Holden
Assignee: Nanometrics Incorporated
Title: Configurable Metrology Device that Operates in Reflectance Mode,
Transmittance Mode, or Mixed Mode
Serial No.: 09/923,723 Filing Date: August 6, 2001
Examiner: Amanda H. Merlino Group Art Unit: 2877
Docket No.: NAN043 US Confirmation No.: 1115

Santa Clara, California
June 16, 2004

MS RCE
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Sir or Madam:

This Preliminary Amendment is filed with a Request for Continued Examination and is responsive to the March 16, 2004, final Office Action, which has a statutorily shortened period for response that ends June 16, 2004. Prior to examination of the above-identified application, please amend the application as follows.

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